

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 195 be amended to read as follows:

- 1 Page 2, between lines 38 and 39, begin a new paragraph and
- 2 insert:
- 3 "SECTION 4. IC 16-18-2-295, AS AMENDED BY P.L.188-1995,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 295. (a) "Provider", for purposes of IC 16-25,
- 6 means a hospice program certified under IC 16-25-1.
- 7 (b) "Provider", for purposes of IC 16-39 except for IC 16-39-7 and
- 8 for purposes of IC 16-41-1 through IC 16-41-9 **and IC 16-41-37**,
- 9 means any of the following:
- 10 (1) An individual (other than an individual who is an employee
- 11 or a contractor of a hospital, a facility, or an agency described in
- 12 subdivision (2) or (3)) who is licensed, registered, or certified as
- 13 a health care professional, including the following:
- 14 (A) A physician.
- 15 (B) A psychotherapist.
- 16 (C) A dentist.
- 17 (D) A registered nurse.
- 18 (E) A licensed practical nurse.
- 19 (F) An optometrist.
- 20 (G) A podiatrist.
- 21 (H) A chiropractor.
- 22 (I) A physical therapist.
- 23 (J) A psychologist.
- 24 (K) An audiologist.
- 25 (L) A speech-language pathologist.

- 1 (M) A dietitian.
2 (N) An occupational therapist.
3 (O) A respiratory therapist.
4 (P) A pharmacist.
5 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25
6 or described in IC 12-24-1 or IC 12-29.
7 (3) A health facility licensed under IC 16-28-2.
8 (4) A home health agency licensed under IC 16-27-1.
9 (5) An employer of a certified emergency medical technician, a
10 certified advanced emergency medical technician, or a certified
11 paramedic.
12 (c) "Provider", for purposes of IC 16-39-7-1, has the meaning set
13 forth in IC 16-39-7-1(a).

14 SECTION 5. IC 16-41-37-2, AS AMENDED BY P.L.110-1997,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 1998]: Sec. 2. As used in this chapter, "public building"
17 means an enclosed structure or the part of an enclosed structure that is
18 one (1) of the following:

- 19 (1) Occupied by an agency of state or local government.
20 (2) Used as a classroom building **or a dining area** at a state
21 educational institution (as defined in IC 20-12-0.5-1).
22 (3) Used as a public school (as defined in IC 20-10.1-1-2).
23 (4) Licensed as a health facility under IC 16-21 or IC 16-28.
24 (5) Used as a station for paid firefighters.
25 (6) Used as a station for paid police officers.
26 **(7) Licensed as a child care center or child care home or**
27 **registered as a child care ministry under IC 12-17.2.**
28 **(8) Licensed as a hospital under IC 16-21 or a county**
29 **hospital subject to IC 16-22.**
30 **(9) Used as a provider's office.**

31 SECTION 6. IC 16-41-37-4, AS AMENDED BY P.L.256-1996,
32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 1998]: Sec. 4. A person who smokes:

- 34 (1) in a public building, except in an area designated as a
35 smoking area under section 5 of this chapter;
36 (2) in the retail area of a grocery store or drug store that is
37 designated as a nonsmoking area by the store's proprietor; or
38 (3) in the dining area of a restaurant that is designated and
39 posted as the restaurant's nonsmoking area by the restaurant's
40 proprietor;

41 commits a Class **C** infraction. **However, the violation is a Class A**
42 **infraction if the person has at least three (3) previous unrelated**

43 **judgments for violating this section that are accrued within the**
44 **twelve (12) months immediately preceding the violation."**

45 **Renumber all SECTIONS consecutively.**

(Reference is to ESB195 as printed February 13, 1998.)

Representative BUCK